

MATTHEW ABBASI, ESQ.; SBN 215030  
**ABBASI LAW CORPORATION**  
8889 WEST OLYMPIC BLVD., SUITE 240  
BEVERLY HILLS, CA 90211  
TEL: (310) 358-9341  
FAX: (888) 709-5448  
EMAIL: MATTHEW@MALAWGROUP.COM

PROPOSED ATTORNEYS FOR DEBTOR,  
80 FLINTLOCK LANE, LLC

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SAN FERNANDO DIVISION**

In re:

80 FLINTLOCK LANE, LLC,  
  
Debtor,

**Case No.: 1:19-bk-12651-VK**

**Chapter 11 Proceeding**

**SUPPLEMENTAL DECLARATION OF  
MATTHEW ABBASI RE: COMPLIANCE  
WITH COURT ORDER**

**HEARING:**

**DATE: April 9, 2020**

**TIME: 2:00 p.m.**

**PLACE: Courtroom 301  
21041 Burbank Blvd.,  
Woodland Hills, CA 91367**

I, **MATTHEW ABBASI**, Declare that:

I am over the age of eighteen (18) years old, and if called upon to testify I could and would do so competently. I am an Attorney admitted to practice law in the State of California and admitted to practice law in the Central, Eastern, Northern, and Southern Districts of the United States District Court of California. I have personal knowledge of the following, and based on that personal knowledge, I assert that all such facts are true and correct to the best of my knowledge:

1. I was the proposed General Insolvency Counsel for the Debtor and the Debtor-in-Possession, 80 FLINTLOCK LANE, LLC, (the "Debtor") in the above-cited matter. I am

1 submitting the herein Supplemental Declaration (the "Declaration") to the Court in order to provide  
2 the Court with an updated summary of my genuine and good faith efforts to comply with this  
3 Court's Orders. I am also serving a copy of this Declaration to the Debtor as Ordered by the Court.

4 2. In good faith, I have complied with this Court's Order and disgorged all legal fees  
5 paid to my office on behalf of the Debtor in this case; and in the two (2) other cases at issue. Overall,  
6 I have disgorged a total sum of *\$16,349.00* despite the fact I provided a great deal of services in  
7 these cases. The disgorgement of the above-cited fees was a substantial loss for my modest office  
8 but I have duly complied with all Orders. Therefore, with all of the uncertainty in the world and in  
9 the economy, I hope the Court will give me a chance at redemption and not hold me in contempt  
10 considering my good faith efforts.

11 3. As explained herein, I have substantively complied with this Court's Order and have  
12 in good faith kept in communication with the Debtor and its principal to assist them in their dispute  
13 with Mr. Cooper outside of the bankruptcy process. Additionally, the present case and the two (2)  
14 other cases at issue have changed my internal procedures for the handling of Chapter 11 cases.  
15 These changes have been implemented in all Chapter 11 matters I am working on now and will be  
16 used in all future matters to come.

17 4. On March 3, 2020, I filed my initial declaration of compliance with this Court which  
18 provided an update regarding my efforts to comply with the prior Orders of this Court. As set forth  
19 in the Initial Declaration, I issued a check for \$5,783.00 to Mr. Ahmad Anthony Nowaid on  
20 February 13, 2020 to comply with this Court's disgorgement Order. Attached hereto as **Exhibit**  
21 **"A"** is a true and correct copy of the Initial Declaration with its attachment (the "Initial  
22 Declaration"). This exhibit is incorporated herein by this reference.

23 5. Unfortunately, the Initial Declaration was filed one (1) day after the deadline set by  
24 the Court for the submission of this declaration. This declaration was filed late because I missed  
25 my calendar reminder for this submission as I was engaged in Trial. Specifically, I was engaged  
26 in a civil bench-Trial in a matter entitled CA Home Buyers 247, LLC. vs Howard Edward Terrell,  
27 Jr. Case No. 19STCV18098 (the "State Case") in Department 51 of the Los Angeles Superior Court  
28 (Stanley Mosk) with Hon. Judge Dennis J. Landin presiding. The Trial of the State Case started on

1 February 28, 2020 and ended on March 2, 2020. However, as explained below, the Trial of the  
2 State Case in reality started on February 24, 2020 but the Trial was unexpectedly stopped and  
3 continued to February 28, 2020.

4 5. The State Case was initially set for a two (2) day Trial starting on Monday, February  
5 24, 2020. In this case, I represented the Plaintiff. However, because of various problems between  
6 the Defendant and his counsel, the Trial could not start February 24, 2020 and was instead reset to  
7 February 28, 2020 with the Defendant set to represent himself in pro-per. In the end, the Trial did  
8 proceed on Friday, February 28, 2020, and ended on Monday, March 2, 2020 (end of day).  
9 However, due to the above and the hectic nature of this Trial which dragged through the whole  
10 final week of February, I missed my calendar reminder for the submission of the Initial Declaration  
11 in this matter. Attached hereto as **Exhibit "B"** is a true and correct copy of the State Case's Minute  
12 Orders which were issued by Judge Hon. Dennis J. Landin on *February 24, 2020; February 28,*  
13 *2020; and March 2, 2020* which confirms my attendance at the Trial for the State Case. This exhibit  
14 is incorporated herein by this reference.

15 6. As it stands, Mr. Ahmad Anthony Nowaid has negotiated and cashed the check I  
16 provided to him for the sum of **\$5,783.00**. Therefore, I have complied with this Court's Order.  
17 Attached hereto as **Exhibit "C"** is a true and correct copy of the cashed check. This exhibit is  
18 incorporated herein by this reference.

19 7. Based on the above, I respectfully submit that I have substantially and timely  
20 complied with all of the material terms of the Orders issued and have disgorged all fees as Ordered.  
21 Additionally, as explained, I have not intentionally violated any Court Order and instead have done  
22 my best to abide by all Orders. As such, I beg the Court to vacate the Order to Show Cause hearing  
23 and beg the Court not to hold me in contempt for the violation of any prior Order.

24 I declare under penalty of perjury that the foregoing is true and correct under the laws of  
25 the State of California and the United States of America. Executed this on March 24, 2020 in  
26 Woodland Hills, California.

27 

28 Matthew Abbasi, Esq.

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **8889 West Olympic Boulevard, Suite 240, Beverly Hills, CA 90211**. A true and correct copy of the foregoing document entitled **SUPPLEMENTAL DECLARATION OF MATTHEW ABBASI RE: COMPLIANCE WITH COURT ORDER** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **3/24/2020**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Katherine Bunker on behalf of U.S. Trustee United States Trustee (SV): [kate.bunker@usdoj.gov](mailto:kate.bunker@usdoj.gov)

United States Trustee (SV): [ustpreion16.wh.ecf@usdoj.gov](mailto:ustpreion16.wh.ecf@usdoj.gov)

Theron S Covey on behalf of Creditor Wells Fargo Bank: [tcovey@rasflaw.com](mailto:tcovey@rasflaw.com)

**2. SERVED BY UNITED STATES MAIL:** On **3/24/2020**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR: 80 FLINTLOCK LANE, LLC, 26500 W. Agoura Road, Calabasas, CA 91302

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**BANKRUPTCY COURT:**

Honorable Victoria Kaufman  
United States Bankruptcy Court  
Central District of California  
21041 Burbank Boulevard, Courtroom 301  
Woodland Hills, CA 91367

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

**3/24/2020**

*Date*

**Matthew Abbasi**

*Printed Name*

**/s/Matthew Abbasi**

*Signature*

# **EXHIBIT “A”**

# **EXHIBIT “B”**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 51

**19STCV18098**

February 24, 2020

**CA HOME BUYERS 247, LLC. vs HOWARD EDWARD  
TERRELL, JR.**

9:30 AM

Judge: Honorable Dennis J. Landin  
Judicial Assistant: J. Clavero  
Courtroom Assistant: A. Alba

CSR: Rose M. Heffernan, CSR # 9820  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Matthew Abbasi

For Defendant(s): No Appearances

Other Appearance Notes: Defendant Howard Edward Terrell, Jr.

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**NATURE OF PROCEEDINGS:** Non-Jury Trial (2 day estimate)

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Rose M. Heffernan, CSR # 9820, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

Defendant Howard Edward Terrell, Jr. appears on his own behalf without counsel and informs the Court that he was never notified John R. Setlich, Esq. had been relieved as his counsel of record.

Upon review of the case, the Court finds no such proof of service for the order relieving John R. Setlich, Esq. as the defendant's counsel of record.

Therefore, the Court orders the following:

Order to Show Cause Re: Sanctions for defense counsel's failure to appear at today's Non-Jury Trial is scheduled for 02/28/2020 at 09:30 AM in Department 51 at Stanley Mosk Courthouse.

On the Court's own motion, the Non-Jury Trial (2 day estimate) scheduled for 02/24/2020 is continued to 02/28/2020 at 09:30 AM in Department 51 at Stanley Mosk Courthouse.

Plaintiff's counsel to give notice.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 51

**19STCV18098**

February 28, 2020

**CA HOME BUYERS 247, LLC. vs HOWARD EDWARD**

9:30 AM

**TERRELL, JR.**

Judge: Honorable Dennis J. Landin

CSR: Danielle V. Taylor, CSR # 12335

Judicial Assistant: J. Clavero

ERM: None

Courtroom Assistant: A. Alba

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Matthew Abbasi

For Defendant(s): Howard Edward Terrell, Jr. in Pro Per

Other Appearance Notes:

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**NATURE OF PROCEEDINGS:** Order to Show Cause Re: Sanctions for Defense Counsel's Failure to Appear at Today's Non-Jury Trial; Non-Jury Trial (2 day estimate)

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Danielle V. Taylor, CSR # 12335, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The cause is called for trial.

Upon review of the case, the Court finds a Proof of Service - Order Granting Attorney's Motion to be Relieved as Counsel was filed on 02/27/2020 relieving John R. Setlich, Esq. as the defendant's counsel of record.

The Court orders that the Order to Show Cause set for this date is hereby discharged.

Defendant Howard E. Terrell, Jr. appears on his on behalf in Pro Per.

Defendant's oral motion to continue trial is heard and Denied.

Howard E. Terrell, Jr is called by Plaintiff, sworn and examined.

Plaintiff's exhibit 12 (Partnership Agreement Dated: 01-30-18) is marked for identification and admitted in evidence.

Scott Oswalt and Edward Lamotte are sworn and testify.



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 51

**19STCV18098**

February 28, 2020

**CA HOME BUYERS 247, LLC. vs HOWARD EDWARD  
TERRELL, JR.**

9:30 AM

Judge: Honorable Dennis J. Landin  
Judicial Assistant: J. Clavero  
Courtroom Assistant: A. Alba

CSR: Danielle V. Taylor, CSR # 12335  
ERM: None  
Deputy Sheriff: None

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On the Court's own motion, the Non-Jury Trial (2 day estimate) scheduled for 02/28/2020 is continued to 03/02/2020 at 10:00 AM in Department 51 at Stanley Mosk Courthouse.

Defendant is ordered to serve Plaintiff's counsel with trial exhibits by noon on Saturday, February 29, 2020 via email or fax.

No further notice is required.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 51

**19STCV18098**

March 2, 2020

**CA HOME BUYERS 247, LLC. vs HOWARD EDWARD  
TERRELL, JR.**

10:00 AM

Judge: Honorable Dennis J. Landin  
Judicial Assistant: J. Clavero (AM)/A.  
Gonzalez (PM)  
Courtroom Assistant: A. Alba

CSR: Danielle V. Taylor, CSR # 12335  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Matthew Abbasi

For Defendant(s): Howard Edward Terrell, Jr. in Pro Per

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**NATURE OF PROCEEDINGS:** Non-Jury Trial (2 day estimate)

Trial resumes from February 28, 2020 with all counsel and parties present.

Edward Lamotte resumes testimony under oath.

Howard E. Terrell, Jr resumes testimony under oath.

Plaintiff rests.

Mr. Terrell returns to the stand to proceed with direct testimony of himself.

The following plaintiff's exhibits are admitted into evidence:

- 1 (Howard E. Terrell, Jr. Voluntary Petition for Individuals Filing for Bankruptcy Chapter 7. Filed: 06-10-19);
- 2 (Declaration of Edward Lamotte in Support of Motion to Dismiss Chapter 7 Bankruptcy Case. Filed: 07-08-19);
- 3 (Declaration of Howard Terrell in Opposition to Motion to Dismiss. Filed: 07-17-19);
- 11 (Grant Deed: 02-08-19);
- 15 (Emails Exchanged Between the Parties);
- 16 (Series of Payments and Wire Receipts);
- 17 (Summary of Listing of Damages)

The Court takes judicial notice of plaintiff's exhibits Nos. 4, 5, 6, 7, 8, 9 and 10.

The following defendant's exhibits are admitted into evidence:

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 51

**19STCV18098**

March 2, 2020

**CA HOME BUYERS 247, LLC. vs HOWARD EDWARD  
TERRELL, JR.**

10:00 AM

Judge: Honorable Dennis J. Landin  
Judicial Assistant: J. Clavero (AM)/A.  
Gonzalez (PM)  
Courtroom Assistant: A. Alba

CSR: Danielle V. Taylor, CSR # 12335  
ERM: None  
Deputy Sheriff: None

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102 (Photographs of Property Prior to Signing Agreement);  
103 (Photographs of Property After Edward Quit);  
104 (Photographs of Worked Performed and Damage/Flooding);  
105 (Photographs of When Ed Quit Vs. Current Status);  
106 (Grant Deed);  
107 (1 Page List of What I Was Doing);  
108 (Photographs of Text Messages);  
109 (Photographs of Text Messages);  
110 (Photographs of Concrete);  
111 (9 Pages of Photographs of Text Messages);  
112 (2 Pages of Cracked Concrete Photographs);  
113 (1 Page Photograph of Text Messages);  
114 (2 Pages of Text Messages of Plaintiff to Pay Mortgage);  
115 (1 Page Text Messages Including Photograph of Pump)

Defendant rests.

Plaintiff gives closing argument.

Defendant gives closing argument.

Plaintiff gives rebuttal.

The Court, having considered the testimony and evidence presented, announces it's tentative decision as follows:

To the first cause of action for Breach of Contract, the Court finds in favor of the plaintiff.

To the second cause of action for Intentional Misrepresentation and Fraud, the Court finds in favor of the defendant.

To the third cause of action for Negligent Misrepresentation, the Court finds in favor of the plaintiff.

To the fourth cause of action for Accounting, the Court finds in favor of the plaintiff.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 51

**19STCV18098**

March 2, 2020

**CA HOME BUYERS 247, LLC. vs HOWARD EDWARD  
TERRELL, JR.**

10:00 AM

Judge: Honorable Dennis J. Landin  
Judicial Assistant: J. Clavero (AM)/A.  
Gonzalez (PM)  
Courtroom Assistant: A. Alba

CSR: Danielle V. Taylor, CSR # 12335  
ERM: None  
Deputy Sheriff: None

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To the fifth cause of action for Injunctive Relief, the Court finds in favor of the plaintiff.

The Court orders the defendant to provide an accounting to plaintiff by March 20, 2020.

On the Court's own motion, the Non-Jury Trial (2 day estimate) scheduled for 03/02/2020 is continued to 03/27/2020 at 09:15 AM in Department 51 at Stanley Mosk Courthouse.

Plaintiff's counsel to give notice.

# **EXHIBIT “C”**

Post date: 03/06/2020  
Amount: \$ 5783.00

Account: [REDACTED]  
Check Number: 1015

ABBASI LAW CORPORATION		1015
TRUST ACCOUNT 1989 W OLYMPIC BLVD., STE. 240 BEVERLY HILLS, CA 90211-3628		
PAY TO THE ORDER OF	DATE <u>2-13-2020</u>	10-712/222
Ahmad Anthony Nawasid		
Five thousand seven hundred and Eighty three 00/100		\$ 5783.00
CHASE		
JPMorgan Chase Bank, N.A.		
FOR 80 Hintuck Lane, LLC		
19-12651		
MICR LINE		

>322070381<  
For Deposit at  
East West Bank Only  
Pasadena, CA  
03052020  
0000261630

VOID AFTER THE ABOVE  
DATE AND TIME  
OR AFTER THE ABOVE  
DATE AND TIME  
OR AFTER THE ABOVE  
DATE AND TIME